IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 5776 of 2005**

Between:

Jaldu Subrahmanyam Chetty, S/o. Sri Krishnaiah Chetty,
Setti Palli Village, Tirupati Urban, Chittoor District.

**..... PETITIONER**

AND

1 The Mandal Revenue officer, Tirupathi Urban Mandal, Balaji Colony Tirupathi, Chittoor District.
2 The District Collector, Chittoor, Chittoor District.
3 The District Joint Collector, Chittoor, Chittoor Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not considering the case of the petitioner for grant of Rythwari patta pass book by implementing the orders of the Director of Settlements, Hyderabad as arbitrary, illegal, unjust and contrary to the provisions of Law and further direct the respondents to issue Rythwari patta pass Book, N.O.C. for an extent of Ac.7.38 cents of Agricultural land in the accounts R.S.No.398 O.S.No.46,5/BP, of settipalli village Records, Tirupati Urban Mandal, to chittoor District by making necessary entries in the land registers.

**Counsel for the Petitioner: MR.P.VENKAT RAO**

**Counsel for the Respondents : GP FOR REVENUE**

The Court made the following :

**O R D E R**

This writ petition has been filed questioning the inaction of the respondents in not issuing rythwari patta pass book in favour of the writ-petitioner in respect of Ac. 7.38 cents of agricultural land in the R.S.No. 398, (old S.No. 46.5/BP) of Settipalle Village Records, Tirupati Urban Mandal of Chittoor District.

The writ-petitioner claims to be an absolute owner of an extent of Ac. 7.38 cents of agricultural land in R.Survey No. 398 (Old S.No. 46.5/BP) of Settipalle Village Records, Tirupati Urban Mandal of Chittoor District. Suo moto enquiry under Section 11-A of the Estate Abolition Act, 1948 was conducted by the Settlement Officer, Nellore. After due enquiry, the Settlement Officer, Nellore granted rythwari patta to the writ-petitioner by his order dated 28.11.1987. The orders passed by the Settlement Officer, Nellore, came to be questioned in revision before the Special Commissioner and Director of Settlement, A.P. Hyderabad. The revision ended in dismissal on 20.10.1998. Thereafter, the writ-petitioner presented an application before the Joint Collector, Chittoor, for issuance of rythwari patta pass book. Since the authorities have not acted on the application, the writ-petitioner has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

Both the Settlement Officer and the Special Commissioner and Director of Settlement, A.P. Hyderabad, passed orders in favour of the writ- petitioner granting rythwari patta pass book. After disposal of the revision before the Special

Commissioner and Director of Settlement, A.P. Hyderabad, the writ petitioner submitted a representation to the Joint Collector, Chittoor, for issuance of rythwari patta pass book. It is the contention of the learned counsel for the petitioner that the respondents have no reason for not complying the request made by the writ petitioner in his application dated 13.11.2004. As could be seen from the records, the application has been made by the writ-petitioner seeking issuance of rythwari patta pass book before the Joint Collector, Chittoor. The competent authority to consider the grant of rythwari patta pass book is the Mandal Revenue Officer. Therefore, the petitioner is directed to present the application before the 1st respondent for issuance of rythwari patta pass book. Thereupon, the 1st respondent has to pass appropriate orders in accordance with law, keeping in view of the orders passed by the Settlement Officer as well as the Revisional authority i.e. the Spl. Commissioner and Director of Settlement, A.P. Hyderabad within a period of three months.

With the above observations, the writ petition is disposed of. No order as to costs.

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B. SESHASAYANA REDDY, J

6th July, 2005

vp

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SECTION OFFICER

To

1. The Mandal Revenue Officer, Tirupati Urban Mandal, Balaji Colony, Tirupati, Chittoor District,
2. The District Collector, Chittoor, Chittoor District
3. The District Joint Collector, Chittoor, Chittoor District
4. 2 C.Cs to G.P. for Revenue, High Court buildings, Hyderabad (O.U.T.)
5. 2 C.D. copies.